

HOUSE BILL 2443

By Williams

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 6, Part 1, relative to child custody.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, Part 1, is amended by adding the following as a new section:

(a) When a petition related to child custody is filed, other than a complaint for divorce or legal separation, and upon personal service of the complaint and summons on the respondent or upon waiver and acceptance of service by the respondent, the following temporary injunctions shall be in effect against both parties:

(1) An injunction restraining and enjoining both parties from voluntarily canceling, modifying, terminating, assigning, or allowing to lapse for nonpayment of premiums, any insurance policy, including, but not limited to, life and health, where such insurance policy provides coverage to a child who is the subject of the custody action, or that names either of the parties or the child as beneficiaries without the consent of the other party or an order of the court. For the purposes of this section, "modifying" includes any change in beneficiary status;

(2) An injunction restraining both parties from harassing, threatening, assaulting, or abusing the other and from making disparaging remarks about the other to or in the presence of any children of the parties or to either party's employer;

(3) An injunction restraining and enjoining both parties from hiding, destroying, or spoiling, in whole or in part, any evidence that may be relevant to

the custody proceeding, whether electronically stored on computer hard drives or other memory storage devices; and

(4) An injunction restraining both parties from relocating any child of the parties outside the state of Tennessee, or more than fifty (50) miles from the other parent, without the permission of the other party or a court order pursuant to § 36-6-108, except in the case of a removal based upon a well-founded fear of physical abuse against either the fleeing parent or the child. In such case, upon request of the nonrelocating parent, the court shall conduct an expedited hearing, by telephone conference if appropriate, to determine the reasonableness of the relocation and to make such other orders as appropriate.

(b) To the extent that a current valid court order or parenting plan provides protections equal to or greater than those contained in the injunction, that order shall apply instead. The injunctions shall remain in effect until:

(1) A final order in the custody proceeding is entered;

(2) The petition is dismissed;

(3) The parties reach agreement; or

(4) The court modifies or dissolves the injunctions, written notice of which shall be served with the complaint.

(c) The injunctions shall be attached to the summons and the complaint and shall be served with the complaint. The injunctions shall become an order of the court upon being served; provided, however, that nothing in this section shall preclude either party from applying to the court for further temporary orders, an expanded temporary injunction, or modification or revocation of the temporary injunction.

(d) The temporary injunctions provided in this section shall only apply to the parties named in the petition and shall not apply to any third party; provided, however, that nothing in this subsection (d) shall preclude any party from applying to the court for an order of injunctive or extraordinary relief against any other party named in any petition as provided by law.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.